

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 654-02  
Bill No.: HB 914  
Subject: Prohibits persons from applying fertilizers with phosphorus in certain counties.  
Type: Original  
Date: March 14, 2001

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(\$1,028,343)	(\$512,343)	(\$526,144)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(\$1,028,343)</b>	<b>(\$512,343)</b>	<b>(\$526,144)</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Federal Funds	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

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## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Department of Natural Resources (DNR)**, the **Department of Agriculture (AGR)**, **Office of the State Courts Administrator (CTS)** and **Department of Elementary and Secondary Education (DES)** state there would be no fiscal impact to their agencies as a result of this legislation.

Officials from the **University of Missouri (UM)** state that the affected county definition is intended to include only Barry, Barton, Christian, Ozark and Greene; however, based on information currently available from the Office of the Secretary of State, Clinton, Chariton, Hickory, Dunklin, Polk, Ralls, Ray, and possibly Jackson and St. Louis counties will be in next decennial census.

This bill would require the addition of up to eight new staff positions to begin initial enforcement. It should increase the sampling load an additional 2,000 samples per year. It will increase training effort into new areas of nutrient management.

Estimates were arrived at by comparing departmental information on current employees and work description. Field inspectors would function as compliance officials by: securing samples from materials being spread for analysis to determine if the product was violative, check the in store point of sale information for similar compliance, document violative application practices to be referred for penalties/fines. An auditor would be hired to check compliance records documentation and consumer supplied soil test analysis at the local retail level. An assistant manager would provide supervision to the employees and work with the legal entities to insure collection of fines through prosecution if necessary. A secretary would be needed to process results of testing and handle personnel travel expenses and related matters.

This bill would sunset on December 31, 2008; officials from UM assume the ongoing personnel expenses, training and supplies would continue for four additional years beyond the first listed.

**Oversight** assumes fines generated by violations of this proposal would be credited to the school districts in the affected counties but would be offset by funding decreases per the State School Distribution Formula.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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**GENERAL REVENUE FUND**

Costs-University of Missouri

Personal Services	(\$197,313)	(\$242,694)	(\$248,762)
Fringe Benefits	(\$65,764)	(\$80,890)	(\$82,912)
Expense and Equipment	(\$763,666)	(\$187,059)	(\$192,670)
Other Fund Costs	<u>(\$1,600)</u>	<u>(\$1,700)</u>	<u>(\$1,800)</u>
Total Costs - University of Missouri	(\$1,028,343)	(\$512,343)	(\$526,144)

**ESTIMATED NET EFFECT TO  
GENERAL REVENUE FUND**

<u>(\$1,028,343)</u>	<u>(\$512,343)</u>	<u>(\$526,144)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

Small businesses could be impacted by the provisions of this proposal.

DESCRIPTION

This bill imposes restrictions on the use of turf fertilizers containing phosphorus in Greene, Ozark, Douglas, Stone, Webster, Taney, Barry, and Christian counties. Agricultural enterprises are exempt.

Fertilizer containing more than 3% phosphorus by weight cannot be used on lawns, golf courses, sod farms, and other managed turf after the first growing season unless a certified soil test indicates that available phosphorus is insufficient to support healthy plant growth. If used, the fertilizer must not be applied at rates that exceed those recommended by the University of Missouri Extension Service. The recommended rate cannot exceed 3 times the plant's annual nutrient need. Fertilizer containing any phosphorus cannot be applied to turf covered with snow, on frozen ground, on impervious surfaces, or to turf within 50 feet of a lake or stream. Violators are subject to a fine of at least \$50.

DESCRIPTION (Continued)

AK:LR:OD (12/00)

By January 1, 2003, commercial applicators of turf fertilizers must be certified by the University of Missouri Agricultural Experiment Station. Golf courses must employ a certified applicator. Uncertified applicators are subject to a fine of at least \$100. By January 1, 2002, anyone selling fertilizer containing phosphorus must post and provide free printed consumer information on lawful fertilizer use and recommended best management practices for applying fertilizer to turf. Sellers that do not provide the material are subject to a fine of at least \$50.

The Agricultural Experiment Station will provide necessary training for applicator certification and, in cooperation with the U.S. Department of Agriculture Natural Resource Conservation Service, develop recommended best fertilizer management practices and produce printed informational material for retailers. Information on applicator certification and proper fertilizer use will be provided in county extension offices.

The bill has an expiration date of December 31, 2008.

This legislation is not federally mandated and would not duplicate any other program. Officials from the UM assume they would need to renovate space as a result of this proposal.

#### SOURCES OF INFORMATION

Department of Natural Resources  
Department of Agriculture  
Department of Secondary and Elementary Education  
University of Missouri  
Office of State Courts Administrator



Jeanne Jarrett, CPA  
Director

March 14, 2001